

Arizona State Board of Homeopathic Medical Examiners

Corrected Minutes of Regular Meeting *

July 20, 2004

**Corrections underlined*

I. CALL TO ORDER

Presiding officer, Bruce Shelton, MD, MD(H), called the meeting to order at 9:00 a.m.

BOARD MEMBERS PRESENT:

Bruce Shelton, MD, MD(H), President
Charles Schwengel, DO, MD(H), Vice President
Garry Gordon, MD, DO, MD(H)
Anna Marie Prassa
Annemarie Welch, MD, MD(H)

BOARD MEMBERS ABSENT:

Dawn Lee, Assistant Attorney General and Christine Springer, Executive Director and members of the public were also present.

Assistant Attorney General Lee was introduced and welcomed by the board.

II. REVIEW, DISCUSS, and ACTION: PREVIOUS MEETING MINUTES

Ms. Prassa made a motion adopting the May 11, 2004 Regular and Executive Session minutes. Motion seconded by Dr. Welch and passed unanimously.

A motion approving the May 11, 2004, Executive Session Minutes was made by Ms. Prassa and seconded by Dr. Welch. Motion passed unanimously.

III. BOARD APPOINTMENTS – REVIEW/DISCUSS AND ACTION

Dr. Shelton welcomed Mr. Don Farris, who had been appointed to the public member position (replacing Mrs. Joan Heskett) by Governor Napolitano. Dr. Shelton explained that the board was pending receipt of final paperwork and therefore Mr. Farris would simply observe the instant proceedings. Board members extended their congratulations and indicated they looked forward to serving with Mr. Farris.

Dr. Welch nominated Ms. Prassa to replace Mrs. Joan Heskett in the office of Secretary-Treasurer. Dr. Gordon seconded the nomination that passed unanimously.

IV. REVIEW, DISCUSS, AND POSSIBLE ACTION

A. LICENSE REVIEWS

Ellis Browning, MD(H) Review Annual Compliance Report

Dr. Shelton read correspondence from Dr. Ellis Browning inquiring about an inactive status for his medical license and requesting approval to delay the scheduled annual compliance review until the December, 2004 regular meeting.

The delay was requested for medical reasons. Dr. Gordon made a motion granting Dr. Browning's request to defer the compliance interview to a future date. Ms. Prassa seconded the motion that passed unanimously. Mrs. Springer was directed to correspond with Dr. Browning regarding license status options and inform him of the board's decision. However, the board does not meet in December and the interview will be re-scheduled to the November 9, 2004 regular meeting.

B. NEW APPLICATIONS

Dan Harper, M.D.

Dan Harper, M.D. was present to address the board and respond to questions during consideration of his license application. Dr. Gordon made a motion accepting Dr. Harper's application as presented. Ms. Prassa seconded the motion that passed unanimously.

Dr. Harper completed the oral examination and his passage of the written examination was confirmed. Dr. Gordon moved to approve Dr. Harper's homeopathic medical license. Dr. Welch seconded the motion that passed unanimously.

V. REVIEW, DISCUSS: REGISTRATIONS – MEDICAL ASSISTANTS

Dr. Gordon made a motion approving the homeopathic medical assistant application submitted by Manny Romo (supervisory physician Dr. Alex Cadoux). Motion seconded by Ms. Prassa and passed unanimously.

VI. REVIEW, DISCUSS AND ACTION REGARDING INVESTIGATIONS, COMPLAINTS AND ADVISORY LETTERS

A. *New Complaints/Investigations*

04-04 W.Y. and H.Y. vs. Stuart Lanson, MD, MD(H)

Dr. Welch reviewed the complaint for board members and stated that there were three allegations: excessive fees, inappropriate treatment, and failure to provide medical records. She indicated that she had not found evidence to support the allegations and there did not appear to be violations of homeopathic rules or laws. Dr. Shelton questioned whether or not homeopathic modalities were practiced. Dr. Gordon indicated that he was inclined to dismiss the matter, however, he would recommend that Dr. Lanson tape patient interviews when describing treatment options to new clients. Dr. Welch noted that her review of the patient record indicates Mr. Y had responded positively to the therapy.

At 10:15 a.m. the Board adjourned to executive session for legal advice following a motion by Dr. Gordon. Motion seconded by Ms. Prassa and passed unanimously. The Board returned to the regular session at 10:20 a.m.

Dr. Gordon made a motion to table the matter and invite Dr. Lanson for an investigative interview to be conducted during the next regular meeting. The

discussion will include this matter and complaint matter 04-06 N.D. vs. Lanson. Motion seconded by Ms. Prassa and passed unanimously.

VII. PROFESSIONAL BUSINESS – REVIEW, DISCUSS AND POSSIBLE ACTION

1. Dr. Gordon reviewed Dr. Ketover's informed consent and protocols for chelation therapy. He recommended the addition of language to indicate that the therapy may not reverse plaque build-up in arteries. Noting this change he made a motion approving the consent and protocol. Dr. Schwengel seconded the motion that passed unanimously.

2. Dr. Shelton recused himself from this discussion. Dr. Schwengel conducted the discussion regarding the Department of Revenue proposed rules exempting prescription-only homeopathic drugs from the collection of sales tax. Mrs. Springer discussed a letter that had been drafted to be sent to the Department asking them to consider a revision to their definition of "prescription drug". The Board reviewed suggested language to part "b." that would add the following language: "that may be required to be reduced to a form of writing by the prescriber, as required by state or federal law:" Mrs. Springer explained that the draft rule's requirement that an oral prescription be promptly reduced to a written form does not appear applicable to homeopathic physicians and if the language was revised, the homeopathic physician would only be required to reduce an oral prescription to writing as required by state or federal law. Dr. Gordon made a motion approving the language of the letter. Ms. Prassa seconded the motion that passed with a majority vote.

3. Dr. Shelton noted Dr. Martha Grout's correspondence concerning immunotherapy. Her correspondence will be placed in her professional file and the executive director was asked to acknowledge the letter.

VIII. FUTURE MEETINGS/AGENDA ITEMS

The board asked that the following topics be included in the September agenda:

- Nominations for president, vice-president, and secretary-treasurer
- Board appointments
- Complaint procedures – assigned investigations to board members

IX. CALL TO THE PUBLIC

Public inquiry by Don Farris concerning Dr. Shelton's recusal on agenda item VII.2.

CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 10:40 a.m. following a motion by Dr. Gordon. Ms. Prassa seconded the motion that passed unanimously. The next Regular

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Meeting of the Board will convene at the State Board's Office Building, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **September 14, 2004.**

Respectfully Submitted,

Christine Springer
Executive Director